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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Source Capital Funding, Inc., a California  
Corporation,

Plaintiff,

vs.

Barrett Financial Group, LLC, an Arizona  
Limited Liability Company; Search Control,  
an Unknown Entity; and DOES 1 through 10,  
inclusive,

Defendants.

Case No.: 2:23-cv-02113-DWL

**DEFENDANT MICHAEL**  
**IUCULANO'S MOTION FOR ENTRY**  
**OF JUDGMENT OF DISMISSAL**

(Assigned to the Honorable  
Dominic W. Lanza)

Pursuant to Federal Rules of Civil Procedure 54(b), 58(b)(2), and LRCiv 58.1(a), Defendant Michael Iuculano ("Defendant" or "Iuculano"), does hereby move this Court to enter a judgment of dismissal on Plaintiff's three claims made against Iuculano in Plaintiff's Second Amended Complaint (Doc. 63). All three claims were dismissed by this Court "without leave to amend," and are the only claims made by Plaintiff against Iuculano in the Second Amended Complaint.

**I. All Claims Made Against Iuculano Have Been Dismissed Without Leave to Amend**

On April 29, 2024, this Court issued an Order on Defendant Barrett Financial Group, LLC's ("BFG") Motion to Dismiss (Doc. 67), which was joined by Iuculano (Doc. 72). (Doc.

89). That Order dismissed Plaintiff's First Claim (Submission of False DMCA Notices, 17 U.S.C. § 512(f)) "without leave to amend as to Iuculano." (Doc. 89, p. 23:15-16). That Order also dismissed Plaintiff's Second Claim (Tortious Interference with Prospective Economic Advantage), and Third Claim (Unfair Competition – California Business and Professions Code § 17200, et seq.) "without leave to amend in their entirety," as to Iuculano (and BFG). *Id.* at 23:16-17.<sup>1</sup> Those were the only claims made against Iuculano. (See Docs. 63 and 89). There are no remaining claims against Iuculano. (See Doc. 89)

## II. Request for Final Judgment of Dismissal

This Court has dismissed all three claims made against Iuculano by Plaintiff in its Second Amended Complaint, without leave to amend. There are no remaining claims alleged against Iuculano. Accordingly, Iuculano requests this Court to sign and enter the *Judgment of Dismissal* attached hereto as Exhibit "A."

## III. Conclusion

Based on the above, Defendant Michael Iuculano respectfully requests that this Court grant this *Motion for Entry of Final Judgment*, and that this Court sign and enter the proposed *Judgment of Dismissal* attached hereto as Exhibit "A."

DATED: June 7, 2024

### RADIX LAW

/s/ Gary N. Lento

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<sup>1</sup> This Court also dismissed Plaintiff's remaining claim, the Fourth Claim for Declaratory Relief, without leave to amend. (Doc. 89, p. 23:16-17). The Fourth Claim was not made against Iuculano. (See Doc. 63, p. 18:14). The Court's Ruling did not dismiss the First Claim "pending against [BFG] and Search Control." (Doc. 89, p. 23:17).

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2024, I electronically transmitted the foregoing document and any attachments to the Clerk of the U.S. District Court for the District of Arizona using the CM/ECF System for filing and a transmittal of a Notice of Electronic Filing was sent to the CM/ECF registered participants as listed below.

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By: /s/ Gary N. Lento  
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**EXHIBIT A**

**UNITED STATES DISTRICT COURT**  
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**JUDGMENT OF DISMISSAL**

**Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED, ADJUDGED AND DECREED** that pursuant to the Court's Order dated April 29, 2024 (Doc. 89), a judgment of dismissal be entered dismissing the First, Second, and Third Claims of Plaintiff's SAC as against Defendant, Michael Iuculano, with prejudice, and that Defendant, Michael Iuculano, is dismissed as a party to this action.

**IT IS FURTHER ORDERED** that Defendant, Michael Iuculano may submit an application for attorneys' fees within fourteen (14) days of the filing of this Judgment of Dismissal.

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There being no just reason for delay of entry of judgment of dismissal, the Court hereby directs entry of judgment of dismissal as ordered herein, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

DATED: \_\_\_\_\_

Dominic W. Lanza  
United States District Judge